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DISTRICT OF NEVADA	
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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,

Case No. 2:17-cr-00104-RFB

vs.
MARK ALAN STONEKING,
Defendant.

Preliminary Order of Forfeiture

9 This Court finds that defendant Mark Alan Stoneking pled guilty to Count
10 One of a Five-Count Superseding Criminal Indictment charging him with Receipt
11 and Distribution of Child Pornography in violation of Title 18, United States Code,
12 Section 2252A(a)(2). Superseding Criminal Indictment, ECF No. 21; Change of Plea,
13 ECF No. 28; Plea Agreement, ECF No. 31

14 This Court finds defendant Mark Alan Stoneking agreed to the forfeiture of
15 the property set forth in the Plea Agreement and the Forfeiture Allegation of the
16 Superseding Criminal Indictment. Superseding Criminal Indictment, ECF No. 21;
17 Change of Plea, ECF No. 38; Plea Agreement, ECF No. 37.

18 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United
19 States of America has shown the requisite nexus between property set forth in the
20 Plea Agreement and the Forfeiture Allegation of the Superseding Criminal
21 Indictment and the offense to which defendant Mark Alan Stoneking pled guilty.

22 The following property is (1) any visual depiction described in Title 18, United
23 States Code, Section 2252A, or any book, magazine, periodical, film, videotape, or

1 other matter which contains any such visual depiction, which was produced,
2 transported, mailed, shipped or received in violation of Title 18, United States Code,
3 Section 2252A(a)(2) and (2) any property, real or personal, used or intended to be
4 used to commit or to promote the commission of Title 18, United States Code, Section
5 2252A(a)(2) or any property traceable to such property, and is subject to forfeiture
6 pursuant to Title 18, United States Code, Section 2253(a)(1) and (a)(3):

- 7 1. a Toshiba P875-57102 laptop, bearing S/N 30358777Q;
- 8 2. a Western Digital MyPassport external hard drive, bearing S/N
9 WEA1A5333961;
- 10 3. a black SanDisk Micro SD Card 16 GB (no S/N);
- 11 4. a Samsung Galaxy Note 4 cell phone, bearing S/N A3LSMN910P; and
- 12 5. a Samsung Galaxy S7 Edge cell phone, bearing S/N A3LSMG935US

13 (all of which constitutes property).

14 This Court finds the United States of America is now entitled to, and should,
15 reduce the aforementioned property to the possession of the United States of
16 America.

17 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
18 DECREED that the United States of America should seize the aforementioned
19 property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title,
21 and interest of Mark Alan Stoneking in the aforementioned property is forfeited and
22 is vested in the United States of America and shall be safely held by the United
23 States of America until further order of the Court.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United
2 States of America shall publish for at least thirty (30) consecutive days on the official
3 internet government forfeiture website, www.forfeiture.gov, notice of this Order,
4 which shall describe the forfeited property, state the time under the applicable
5 statute when a petition contesting the forfeiture must be filed, and state the name
6 and contact information for the government attorney to be served with the petition,
7 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section
8 853(n)(2).

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any
10 individual or entity who claims an interest in the aforementioned property must file
11 a petition for a hearing to adjudicate the validity of the petitioner's alleged interest
12 in the property, which petition shall be signed by the petitioner under penalty of
13 perjury pursuant to Title 21, United States Code, Section 853(n)(3) and Title 28,
14 United States Code, Section 1746, and shall set forth the nature and extent of the
15 petitioner's right, title, or interest in the forfeited property and any additional facts
16 supporting the petitioner's petition and the relief sought.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
18 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las
19 Vegas, Nevada 89101, no later than thirty (30) days after the notice is sent or, if
20 direct notice was not sent, no later than sixty (60) days after the first day of the
21 publication on the official internet government forfeiture site, www.forfeiture.gov.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
2 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United
3 States Attorney's Office at the following address at the time of filing:

4 Michael A. Humphreys
5 Assistant United States Attorney
6 Daniel D. Hollingsworth
7 Assistant United States Attorney
8 501 Las Vegas Boulevard South, Suite 1100
9 Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
11 described herein need not be published in the event a Declaration of Forfeiture is
12 issued by the appropriate agency following publication of notice of seizure and intent
13 to administratively forfeit the above-described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk
15 send copies of this Order to all counsel of record.

16 DATED this 1 day of March, 2018.



17 HONORABLE RICHARD F. BOULWARE
18 UNITED STATES DISTRICT JUDGE